

REMARKS/ARGUMENTS

Claims 1-6, 9-14 and 19-24 have been canceled. Therefore, Claims 7, 8, 15-18, 25 and 26 remain pending in the application. Claims 7, 8, 15, 16, 25 and 26 have been amended to be placed in independent format and to incorporate the limitations of the base claim. Claims 17 and 18 have been amended merely to provide proper claim dependency due to the cancellation of Claim 9. Applicant respectfully requests favorable reconsideration of the claims in view of the following remarks.

Claims 1-26 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 41 of copending Application No. 10/660,849. Applicant appreciates the Examiner making Applicant aware of the potential double patenting rejection. If one of these applications should issue, Applicant will address this rejection at that time.

Claims 1-6, 9-14 and 17-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seppala et al. (US Patent No. 7,120,131 B2) in view of Abramov et al. (U.S. Patent No. 6,486,832 B1). Since Claims 1-6, 9-14 and 19-24 have been canceled, the rejection of these claims is moot. Applicant will address the rejection of Claims 17 and 18 below.

Claims 7-8, 15-16 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seppala et al. (US Patent No. 7,120,131 B2) and Abramov et al. (U.S. Patent No. 6,486,832 B1) in view of Crilly, Jr. et al. (U.S. Patent No. 6,611,231 B2). Applicant respectfully traverses these rejections.

With respect to Claims 7, 15 and 25, Applicant respectfully submits that the combination of Seppala et al., Abramov et al. and Crilly, Jr. et al. does not disclose or suggest *“receiving capability data carried by at least some of a plurality of beacons transmitted by a corresponding plurality of Wireless Access Points (WAPs) of the WLAN, wherein the capability data indicates whether a corresponding access point is capable of directional antenna servicing; processing received capability data to select a desired WAP of the plurality of WAPs;”* as claimed in amended independent Claim 7, and similarly claimed in amended independent Claims 15 and 25.

In addition, with respect to Claims 8, 16 and 26, Applicant respectfully submits that the combination of Seppala et al., Abramov et al. and Crilly, Jr. et al. does not disclose or suggest *“receiving capability data carried by at least some of a plurality of beacons transmitted by a corresponding plurality of Wireless Access Points (WAPs) of the WLAN, wherein the capability data indicates whether a corresponding access point is capable of transmit power control; processing received capability data to select a desired WAP of the plurality of WAPs;”* as claimed in amended independent Claim 8, and similarly claimed in amended independent Claims 16 and 26.

Although Applicant agrees with the Examiner that Crilly et al. does teach routing information (ref. # 120) that may include antenna pointing direction information and transmit power level information (*see Crilly et al., Col. 7, Lines 27-40*), Crilly et al. does not teach or suggest providing this routing information 120 to mobile devices. Instead, in Crilly et al., the routing information is stored within the wireless routing device (i.e., wireless access point) and used by the wireless routing device itself in deciding whether to place a transmission null and/or peak within the transmission pattern emitted by the

wireless routing device in a particular direction (*see Crilly et al., Col. 6, Lines 2-33*). Thus, there is nothing in Crilly et al. to teach or suggest that the wireless routing device would transmit this routing information to the mobile device for any reason or purpose.

In addition, since the Examiner admits that neither Seppala nor Abramov teach or suggest the transmission of such information to the mobile device, there is no motivation within the references themselves to combine the references as the Examiner has to show obviousness of the inventions claimed in Claims 7, 8, 15, 16, 25 and 26.

For at least these reasons, Applicant respectfully submits that Claims 7, 8, 15, 16, 25 and 26 are not obvious over the prior art of record. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 7, 8, 15, 16, 25 and 26. In addition, since Claims 17 and 18 are dependent upon claims that Applicant believes are now allowable, these rejections are also overcome for at least the exemplary reasons proffered above in connection with Claims 7, 8, 15, 16, 25 and 26. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 17 and 18.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2488.1).

Respectfully submitted,

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